

TAJIKISTAN 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Tajikistan is an authoritarian state dominated politically by President Emomali Rahmon and his supporters since 1992. The constitution provides for a multiparty political system, but the government has historically obstructed political pluralism. In April 2020 Rustam Emomali, the mayor of Dushanbe and eldest son of President Rahmon, became speaker of the Majlisi Milli, the upper house of parliament, placing him next in line for succession. March 2020 parliamentary elections and the October 2020 presidential election were neither free nor fair.

The Ministry of Internal Affairs, Drug Control Agency, Agency on State Financial Control and the Fight against Corruption (Anticorruption Agency), State Committee for National Security, State Tax Committee, and Customs Service share civilian law enforcement responsibilities. All law enforcement agencies and the Customs Service report directly to the president. The Ministry of Internal Affairs is primarily responsible for public order and manages police. The Drug Control Agency, Anticorruption Agency, and State Tax Committee have mandates to investigate specific crimes. The State Committee for National Security is responsible for intelligence gathering, controls the Border Service, and investigates cases linked to alleged extremist political or religious activity, trafficking in persons, and politically sensitive cases. Agency responsibilities overlap significantly, and law enforcement organizations deferred to the State Committee for National Security. Civilian authorities only partially maintained control over the security forces. There were reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: arbitrary or unlawful killings; torture and cruel, inhuman, or degrading treatment by the government; harsh and life-threatening prison conditions; arbitrary arrest and detention; political prisoners; transnational repression against individuals in another country; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for alleged offenses by a relative; serious restrictions on freedom of expression and media, including violence or

threats of violence against journalists, censorship, and the threat to enforce criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; particularly severe restrictions of religious freedom; significant restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and existence of the worst forms of child labor.

The government rarely took steps to identify, investigate, prosecute, and punish government officials for human rights abuses or for corruption. Officials in the security services and elsewhere in the government mostly acted with impunity.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings. The Ministry of Interior is responsible for investigating such killings, but there were no such investigations.

The Guardian newspaper reported that on May 18, security forces killed “at least 25 people” during a protest in the Rushon district of the Gorno-Badakhshon Autonomous Region (GBAO). On May 16, hundreds of residents of the GBAO protested in the city of Khorugh. Security forces used rubber bullets and tear gas against the protesters; some reports on social media claimed live ammunition and military weapons were used. Three persons were injured and Zamir Nazarshoev, a resident of Khorugh, was killed. The authorities then cut off internet access in Khorugh and blocked all access roads to the city and between districts within it. Government forces conducted what they called an “anti-terrorist operation” in

response to the protests on May 17-18, which led to the deaths of an estimated 20-25 individuals, according to local and international media reports.

The National Committee for Release of Political Hostages and Prisoners of Tajikistan published a report naming 23 protesters killed in the May 18 violence, and *Radio Free Europe/Radio Liberty* reported that Rushon residents stated that the bodies of 21 protesters killed during the May 18 incident had been turned over to their families the following day. The Ministry of Internal Affairs released a May 18 statement indicating that nine individuals, including one police officer, died during what it called a “anti-terrorist operation.”

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits such practices but there were credible reports that government officials employed them. While authorities took some limited steps to hold perpetrators accountable, reports of abuse and mistreatment of prisoners continued, and a culture of impunity and corruption weakened investigations and prosecutions. In some cases, judges dismissed defendants’ allegations of abuse during their pretrial detention hearings or trials. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of abuse.

In April the family of Khasan Yodgorov sued the Ministry of Internal Affairs for 400,000 somoni (\$36,000) for Yodgorov’s torture by police. In October a Dushanbe court awarded 5,000 somoni (\$450) in compensation to Yodgorov, who became “an invalid” because of the abuse he suffered in detention, according to his family. In 2017, police charged Yodgorov with murder, and he spent eight months in pretrial detention, during which he was beaten and tortured by police. He confessed to the crime under duress but was released after another suspect was arrested. After Yodgorov’s release in 2018, the three police officers who tortured him were prosecuted and sentenced in June 2021 to 10-13 years’ imprisonment.

In July Sharofat Salimova told media that police subjected her to abuse over a three-day period after she surreptitiously filmed them as they insulted her and demanded that she confess to a crime. Police officials confirmed detaining Salimova for questioning but denied the allegations of abuse. The mayor of Vose District said that a commission had been set up to consider Salimova's complaint, but the commission had not released any results of the investigation by year's end.

Local media reported in October on a jailhouse letter from detained blogger Abdusattor Pirmuhammadzoda in which he alleged his jailers subjected him to several days of electric shocks, beatings, solitary confinement, and threats to his family while he was in pretrial detention.

Impunity was a significant and widespread problem in the security forces, including the Ministry of Internal Affairs, the Prison Service under the Ministry of Justice, and the State Committee for National Security. Politicization and corruption were prevalent throughout the security forces. There was a lack of impartial, independent investigative mechanisms to address impunity outside the security forces' chain of command, although a few prosecutions led to a small number of convictions for abuse in recent years. Government actions to increase respect for human rights by security forces were limited and subject to inconsistent application, such as a 2019 rule that provides for a prison sentence of up to 15 years for members of security forces found guilty of participating in torture.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to food shortages, gross overcrowding, physical abuse, lack of access to medical treatment, and inadequate sanitary conditions.

Abusive Physical Conditions: Gross overcrowding was a problem, with nearly all prisons exceeding their prescribed maximum population. Access to and quality of food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate, with almost all prisoners needing supplemental food brought by relatives and friends for survival.

Authorities often held juvenile boys with adult men. As of August 2021, the total official prison population was approximately 8,000 but was almost certainly much

larger.

In July 2021, the Ministry of Justice reported that in the first half of 2021, 41 prisoners died from various diseases.

Prison officials in Khujand refused temporary release for urgent medical treatment to Shamil Khakimov, age 71, who went blind in one eye and started to lose his eyesight in the other due to untreated glaucoma. Khakimov also had open ulcers on his legs and evidence of gangrene, severe hypertension, and heart disease.

Administration: The Office of the Ombudsperson conducted prison visits throughout the year but resolved fewer than 2 percent of complaints filed related to abuse. Nongovernmental organizations (NGOs) reported mistrust of the ombudsperson, due to the ombudsperson's loyalty to the president and frequent dismissal of human rights concerns.

Independent Monitoring: The Ministry of Justice continued to restrict access to prisons and detention facilities for representatives of the international community and NGOs. Since 2004, the International Committee of the Red Cross has not had access to prisons due to the absence of an agreement with the government.

d. Arbitrary Arrest or Detention

Arbitrary arrests were common, and the law does not prohibit the practice. The law states that police must prepare a detention report and inform the prosecutor's office of an arrest within 12 hours and file charges within 10 days. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but use of this provision was limited. Few citizens were aware of their right to appeal an arrest, and there were few checks on the power of police and military members to detain individuals.

Arrest Procedures and Treatment of Detainees

The law provides that police may detain a suspect for up to 12 hours before authorities must decide whether to open a criminal case against the individual. If authorities do not file charges after 12 hours, the individual must be released, but police often did not inform detainees of the arrest charges even if they were filed.

If police file criminal charges, they may detain an individual for 72 hours before they must present their charges to a judge for an indictment hearing. Judges are empowered to order detention, house arrest, or bail pending trial.

According to the law, family members are allowed access to prisoners after police file charges, but authorities often denied prisoners access to visitors. The law states that a lawyer is entitled to be present at interrogations at the request of the detainee or lawyer, but in many cases, authorities did not permit lawyers timely access to their clients, and initial interrogations occurred without a lawyer present. Detainees suspected of crimes related to national security or extremism were held for extended periods without being formally charged.

Arbitrary Arrest: The government generally provided a rationale for arrests, but detainees and civil society groups frequently reported that authorities falsified charges, inflated minor incidents, and used vague charges such as “extremism” that are subject to broad interpretation to make politically motivated arrests. According to Human Rights Watch (HRW), since 2015 the country has arbitrarily detained and imprisoned more than 150 individuals on politically motivated charges. (See the section on political prisoners and detainees below for further details.)

Pretrial Detention: Defense lawyers alleged that prosecutors often held suspects for lengthy periods, and pretrial detention lasted from one to three months but could extend as long as 15 months. Authorities must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months. According to the UN Human Rights Committee, authorities tortured defendants in pretrial detention in attempts to extract confessions.

Persons arrested or detained, regardless of charge, are entitled to challenge in court the legal basis of their detention. Despite such rights to challenge detention, a decrease in the number of lawyers licensed to take on criminal cases and the general apprehension with which lawyers take on sensitive cases limited the exercise of this right for those arrested on charges suspected to be politically motivated.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the government generally did

not respect judicial independence. The executive branch exerted pressure on prosecutors, defense lawyers, and judges. Corruption and inefficiency were significant problems. According to numerous observers, police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release. In May 2020 during a research mission on the independence of the judiciary, the International Commission of Jurists noted that judicial decisions are rarely provided to the public and are typically given only to the participants in the proceedings.

Trial Procedures

The law provides for the right to a fair and public trial, and for the presumption of innocence by defendants, but the judiciary generally did not enforce these rights. During the first six months of the year, courts considered 5,508 cases and did not issue a single acquittal, Chairman of the Supreme Court Shermuhammad Shohiyon reported during a July 14 press conference. According to official data, there were a total of 12 acquittals (out of approximately 22,000 cases) in 2020-21. The government labeled most human rights-related cases as sensitive, allowing the government to hold trials in a classified (closed) setting. Lack of access to courts was a serious problem throughout the year.

Although the law requires that defendants be informed of the criminal charges against them within 10 days, in practice they were not always promptly informed or granted a trial without undue delay. At other times trials began and concluded in the same day. Courts generally allowed defendants to be present at their trial and to consult with an attorney during the trial, but defendants often were denied access to an attorney during the pretrial and investigatory periods, particularly in politically sensitive cases. Authorities continued to file politically motivated criminal charges against some defense lawyers to obstruct detained political opposition figures' access to legal counsel and to dissuade other lawyers from taking on similar cases.

The government provides attorneys at public expense when requested, but defendants and civil society members complained that the government sometimes appointed attorneys to deny defendants' access to the legal counsel of their choice. Defendants and private attorneys said government-appointed attorneys often

provided a poor defense. There were approximately 500 lawyers accepting criminal defense cases in the country, and there reportedly were only four registered lawyers in the GBAO, with a population of almost 250,000. International observers found many criminal cases in which defendants did not have legal representation. Criminal defendants enjoy the legal right to prepare their defense, but this right was often infringed.

Low wages for judges and prosecutors left them vulnerable to bribery, a common practice. Government officials subjected judges to political influence.

Although most trials were public, the law also provides for secret trials when there is a national security concern. Cases including a charge of “extremism” are included in this category, making most trials of human rights activists, journalists, and protesters closed to the public. Civil society members faced difficulties in gaining access to high-profile public cases, which the government often declared secret.

In January media reported that at the end of December 2021, Khorugh City Court sentenced eight local residents, including three high school students, to imprisonment for extremism. The trial was held behind closed doors. According to a source at this court, the four adults got six years in prison, while the three children received one and one-half years each. One defendant was sentenced in absentia. Aside from the vague charge of extremism, authorities did not disclose any details of the alleged crimes that led to these prison sentences.

Political Prisoners and Detainees

Opposition parties and local and international observers reported the government selectively arrested and prosecuted political opponents. Although there was no reliable estimate of the number of political prisoners, in 2018, the most recent year for which data were available, the government reported 239 prisoners who were members of banned political parties or movements. The government also announced that as part of its operations to suppress protests in the GBAO in May, security services detained over 70 individuals. There were media reports of approximately 30 journalists, bloggers, civil society activists, dissidents, or their family members who reportedly have been imprisoned for political reasons under

charges such as “extremism,” which are vague, malleable, and often used in politically motivated cases. The government did not permit access to political prisoners by human rights or humanitarian organizations.

In July, a GBAO court sentenced Muslim Sherzamonov, brother of opposition figure and deputy chairman of the banned National Alliance of Tajikistan Alim Sherzamonov, to 18 years in prison. On June 12, the interdepartmental headquarters for security and public order in the GBAO reported that Sherzamonov was arrested after an assault rifle, ammunition, and two grenades were found in his home in Khorugh. His relatives, however, claim Sherzamonov voluntarily went for interrogation and never returned. When relatives met with Sherzamonov in a pretrial detention center, he told them he did not know what charges he faced.

As of December, authorities handed down lengthy prison sentences for several civil society activists detained for organizing the May protests in the GBAO. Among them was Ulfatkhonim Mamadshoeva, an independent journalist and civil rights activist, age 65, charged with conspiring against the state and sentenced to 21 years in prison. Several other convicted activists were members of Commission 44, a group of lawyers and activists established in 2021 to investigate police abuses in the region.

Transnational Repression

The government used intimidation and abused judicial procedures to engage in transnational repression against individuals outside of Tajikistan’s borders, targeting political opponents, civil society activists, human rights defenders, and journalists.

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: The government pursued the forced return of citizens including through harassment, threats of violence, and cooperation with law enforcement agencies in other countries for purposes of politically motivated reprisal.

The government disclosed that in the first half of the year, 41 Tajik citizens were transferred from Russia with the assistance of Russian authorities. Many were civil society activists, human rights lawyers, journalists, and bloggers charged with

extremism for expressing opinions critical of the government, for reporting on sensitive topics, for participating in peaceful protests, for membership in civil society groups and political organizations, or for their association with individuals whom the government seeks to silence or intimidate.

On July 29, Oraz and Ramzi Vazirbekov disappeared from Moscow's Domodedovo Airport and a day later were in pretrial detention in Dushanbe. The two are brothers from the GBAO who resided in Moscow and were activist leaders of the Pamiri diaspora in Russia known for their views opposing Tajikistan's government. On November 5, the Dushanbe Municipal Court sentenced Oraz Vazirbekov to 16 years and Ramzi Vazirbekov to 13 years in prison at the conclusion of a closed trial on charges of extremism and "publicly calling for the violent overthrow of the constitutional order."

Threats, Harassment, Surveillance, and Coercion: There were continuing reports that relatives of perceived government critics in exile were harassed or targeted by local authorities inside the country.

On February 3, Shohida Mamadjonova went to a police station in Vahdat in response to a summons but did not return home. On February 8, the Ministry of Internal Affairs confirmed her arrest on suspicion of organizing extremist activities. Mamadjonova is the mother of blogger Sherzod Mamadjonov, who resided in Germany and was known in Tajikistan for criticizing the government. Sherzod told the media that his mother had earlier been summoned. On April 7, Dushanbe's Ismoili Somoni District Court sentenced Mamadjonova to six years' imprisonment. The prosecutor accused her of supporting ideas of the political opposition movement Group 24 and the Islamic Renaissance Party of Tajikistan (IRPT), both of which are banned. According to the prosecutor, she posted comments on YouTube directed "against the constitutional order in Tajikistan." Mamadjonova pleaded not guilty but did say she was "sorry" for commenting on her son's videos critical of the government. After the verdict against Mamadjonova was announced, Sherzod Mamadjonov told the media that Tajik authorities had previously threatened to ask Germany to extradite him so they could put him in jail.

Anora Sarkorova, an independent journalist living in Europe who covers events in

the GBAO on social media, told *Radio Ozodi* on June 27 that officials from the Organized Crime Department of the Ministry of Internal Affairs detained and questioned her mother, age 68, and her brother in Dushanbe. Sarkorova said authorities questioned her relatives to pressure Sarkorova to stop writing about sensitive topics such as human rights abuses. Sarkorova said that security officials in the GBAO went to the house of her relatives, including her aunt and uncle, asking for Sarkorova's whereabouts and where Sarkorova's mother lived.

Misuse of International Law Enforcement Tools: There were numerous instances of Tajik civil society activists, bloggers, and dissidents residing in Russia being extradited by Russian authorities to Tajikistan for detention and prosecution.

On January 11, Amriddin Alovatshoev, a GBAO native and leader in the Tajik migrant community in Russia, disappeared from Russia and appeared in Tajikistan in February. Alovatshoev was extradited and charged with a range of crimes that local NGOs describe as politically motivated due to his participation in protests on the GBAO in Russia and alleged incitement of young residents in the GBAO to protest. On May 5, Alovatshoev was convicted and sentenced to 18 years in prison.

Civil Judicial Procedures and Remedies

Individuals or organizations may seek civil remedies for human rights abuses through domestic courts or through administrative mechanisms.

Property Seizure and Restitution

In July, media reported that authorities in the GBAO started to seize and nationalize the property of unofficial leaders and local businessmen of the region. The *Pamir Daily News* reported in July that authorities had confiscated a house in the mountain village of Jelondi belonging to local leader Khursand Mazorov, who was killed in June during a police raid in Khorugh. In the same town authorities seized the house of another Pamir leader, Tolib Ayombekov, arrested in June. A meat processing plant owned by Pamir entrepreneur Nasriddin Sabzaliev was also reportedly confiscated by authorities in June without due process.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

While the constitution and laws generally prohibit many of these actions, there were numerous reports that the government failed to respect these prohibitions.

The constitution states the home is inviolable. With certain exceptions, it is illegal to enter a home by force or deprive a person of a home. The law states police may not enter and search a private home without the approval of a judge. Authorities may carry out searches without a prosecutor's authorization in exceptional cases. The law states courts must be notified of such searches within 24 hours. Police frequently ignored these laws and infringed on citizens' right to privacy, including by conducting personal searches without a warrant.

According to the law, a judge may authorize interception of correspondence and communication when there are grounds for a criminal case. Security offices often monitored communications, such as social media and telephone calls, without judicial authorization.

In July, police came to the home of journalist and blogger Abdusattor Pirmuhammadzoda, seizing his mobile phone and bank cards. On July 9, Pirmuhammadzoda was summoned and arrested by officials of the Organized Crime Control Department of the Ministry of Internal Affairs. Relatives of Pirmuhammadzoda reported that he did not have access to a lawyer, and they did not know his whereabouts. Those close to Pirmuhammadzoda reported that, prior to his arrest, authorities had given him a "final warning" that he should refrain from criticizing the government and write only about tourism and historical topics.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of speech, including for the press and other media, but the government restricted these rights.

Freedom of Expression: Authorities continued to curb freedom of speech through detentions, prosecutions, the threat of heavy fines, the passage of strict and

overreaching slander legislation, and the forced closure of media outlets.

Independent media faced significant and repeated government threats. Although some media published political commentary and investigatory material critical of the government, journalists believed that authorities considered certain topics off limits, including financial improprieties of persons close to the president or reporting on banned groups such as IRPT and Group 24.

The government controlled most broadcasting transmission facilities. The government's guidelines state that the government has the right to "regulate and control the content of all television and radio networks regardless of their type of ownership."

Opposition politicians had no access to state-run television. The government gave opposition parties minimal broadcast time to express their political views, while the president's party had numerous opportunities to broadcast its messages.

Private broadcasters are prohibited from entering into cooperation agreements with foreign media and may not publish or broadcast without the State Committee's approval. Additionally, private broadcasters are required to involve state media in all commercial projects that generate income. Failure to comply with these regulations can result in the outlet losing its broadcasting license.

Violence and Harassment: Journalists continued to face harassment and intimidation by government officials.

On August 17, unidentified individuals attacked Anushervon Aripov, Nasim Isamov, Mullorajab Yusufi, and Barot Yusufi, journalists working for *Radio Ozodi* and *Current Time*. The incident occurred immediately after the journalists spoke with Ulfathonim Mamadshoeva, a prominent civil society activist in the GBAO who was accused of receiving foreign funding to foment mass protests against the government. The attackers stopped the journalists' car, snatched their mobile phones through the open windows of the car, dragged the correspondents out, forced them to open the trunk, and seized a video camera. Mullorajab Yusufi was beaten, receiving several blows to the head and torso. The attackers did not respond to repeated requests to identify themselves. One of them threatened to shoot Mullorajab Yusufi.

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists regularly practiced self-censorship to avoid retribution from officials, according to media reports and journalists.

On May 17, the *Asia-Plus* media outlet released a statement indicating that it was refraining from covering the May protests in the GBAO under pressure from the authorities. Earlier, *Asia-Plus* received an official warning from the General Prosecutor's Office and an unofficial warning from other government agencies that the publication was covering events in the GBAO "in a one-sided manner" and thereby "destabilizing the situation in the country." *Asia-Plus* was ordered to comply with the government directives, otherwise the publication would face closure, according to the press release.

The law requires television and radio editorial offices to clear the texts of their reports in foreign languages, including Russian, with the leadership of the State Television and Radio Broadcasting Committee to ensure the texts comport with state policy.

Newspaper publishers reported the government controlled the distribution of materials, requiring all newspapers and magazines with circulations exceeding 99 recipients to register with the Ministry of Culture. The government continued to control all major printing presses and the supply of newsprint. Independent community radio stations continued to experience delays in registration and licensing that prevented them from broadcasting. The government restricted issuance of licenses to new stations, in part through an application process described as excessively complex. The National Committee on Television and Radio, a government organization that directly managed television and radio stations, must approve and then provide licenses to new stations. The government continued to deny the BBC a renewal of its license to broadcast on FM radio.

Libel/Slander Laws: The law criminalizes public insult, defamation, and slander, including on the internet, against the president and other state officials. An offense may be punished by up to five years in prison. The UN Human Rights Council special rapporteur has noted that the criminal and civil penalties for libel and slander have been used to harass journalists and critical voices, restricting freedom of expression and public discussion of issues such as corruption and the business

networks of the president's family.

National Security: Authorities frequently cited laws against terrorism or protecting national security to arrest and punish critics of the government and to deter criticism of government policies and officials.

Two independent journalists and bloggers – Daler Imomali and Abdullo Ghurbati – were detained on June 15; their cases were both classified for national security reasons and thus their trials were closed to members of the public and news media. On October 4, a Dushanbe court found Ghurbati guilty on charges of extremism and insulting a government representative; he was sentenced to seven and one-half years in prison. On October 17, the same court found Imomali guilty of illegal entrepreneurship, providing deliberately false information about a crime, and participation in the activities of the banned political organization Group 24. Imomali was sentenced to 10 years in prison. Ghurbati and Imomali filed appeals, but the appeals court upheld the convictions and sentences of Ghurbati and Imomali in December, and they were both transferred from pretrial detention to prison.

Internet Freedom

The government restricted and disrupted access to the internet, censored online content, monitored private online communications without appropriate legal authority, blocked access to certain websites, levied civil and criminal punishments for online expression, disrupted communications prior to planned demonstrations, and abused legal authorities to justify the actions above. In the face of extensive government surveillance of internet activity, including emails, individuals and groups often self-censored their views while using the internet. Authorities blocked some websites and news portals that publish information critical of the government, using temporary blackouts of all internet services and messaging to suppress criticism. According to HRW, authorities periodically cut access to mobile and messaging services when statements critical of the president, his family, or the government appeared online.

Opposition news agencies and websites located outside the country remained blocked by the government. The State Communications Service, the official

communications regulator, routinely denied that it was involved in blocking these sites, but the government admitted to periodically implementing a law that allows interruption of internet content and telecommunications “in the interest of national security.” The State Committee for National Security had legal authority to shut off internet and telecommunications during security operations.

In response to unrest in the GBAO, the government imposed an internet blackout there that lasted from January until March. After March, local residents noted that the quality and speed of their internet connections significantly diminished, with social networks and news sites loading slowly or not opening at all. The decision to restore service came with a warning from GBAO Governor Alisher Mirzonabot that dissemination of “false and provocative information that violates peace and stability” is punishable under the law.

The law gives law enforcement agencies the right to track citizens using the internet, an ability which police used regularly. According to the law, security agencies may monitor internet traffic and have access to information about which internet sites citizens visit and the type of information they seek. The law criminalizes the use of the “like” or “share” function on social media regarding “terrorism” and “extremism-related” topics, with a penalty of up to 15 years in prison. The law criminalizes public calls for the commission of terrorist crimes or publicly justifying terrorist activities; it includes statements or calls made via the internet.

Restrictions on Academic Freedom and Cultural Events

The Ministry of Education maintained a dress code that bans wearing the hijab in schools and government institutions. Authorities allowed women to wear a traditional version of the head covering – a scarf that covers hair but not the neck – to schools and universities. Some women students wore the hijab to and from school but removed it upon entering the school building. The ministry also banned beards for all teachers. Students with beards reported being removed from class, questioned, and asked to shave. A Ministry of Education decree obliges all women and girls – professors, teachers, university students, and schoolchildren – to wear traditional dress during the academic year.

Government authorities continued to dissuade citizens from wearing “foreign clothing,” primarily focused on the hijab, which covers the hair, ears, and neck. According to media reports, the government’s Committee on Women and Family Affairs, in cooperation with the Ministry of Internal Affairs, conducted informational campaigns, or “raids,” in public areas against women wearing the hijab, threatening those who refused to remove their hijab with a large fine and six months’ imprisonment.

The Ministry of Education required students and academic staff to request government permission before any education-related travel abroad. Students who wish to travel abroad for educational purposes must provide detailed personal information about close relatives, but the law does not specify consequences for noncompliance.

There were several reports throughout the year that academics writing on sensitive subjects regarding politics, religion, and history feared publishing or even submitting their articles for review because of possible government retribution. Printing supplementary materials and books for students require authorization from the Collegium of the Ministry of Education and Science and from the State Committee for National Security.

In May students at several universities reported that they were pressured by authorities to request to pass their final exams early and then be sent to compulsory military service. Ministry of Education officials denied the coercive nature of the initiative and said it was voluntary. Several students, on condition of anonymity, told media that representatives of universities brought ready-made applications and asked the students to sign. The students said they were told that those who signed and joined the army would be “helped” with their exams.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association through requirements to obtain permission from local governments and through frequent inspections by various government agencies. Frequent and arbitrary inspections of NGOs by tax authorities and other regulatory agencies are also used to intimidate civil society or force the closure of organizations.

Freedom of Peaceful Assembly

The constitution provides the right to freedom of peaceful assembly, but the government required that individuals obtain permission from the government to stage public demonstrations. Individuals considering staging peaceful protests often reportedly chose not to do so for fear of government reprisal.

Residents of the GBAO on May 14 issued demands for the resignation of GBAO Governor Mirzonabot, as well as Rizo Nazarzoda, the mayor of the regional capital Khorugh. The protesters marched in the streets of Khorugh and called for the members of the security forces responsible for the death of three local residents in November 2021 to be held accountable, as well as an end to the authorities' intimidation and persecution of the region's population. Local authorities declared the demands of the protesters illegal, warning that protests would be treated as "crimes" and "terrorism."

(See section 1.a. on arbitrary killings for more information on the response to the May protests in the GBAO.)

Freedom of Association

The constitution provides for freedom of association, but the government restricted this right. The law requires all "public associations" to post detailed financial reports on their websites. The law imposes other burdensome reporting requirements. Civil society organizations reported a noticeable increase in the number and intensity of registration and tax inspections by authorities.

In January persons from the civil society activist group Commission 44 representing protestors in the GBAO claimed prosecutors declared Commission 44's activities illegal and banned them from talking to residents. Commission 44 was set up by activists to conduct a joint government-civil society investigation into the November 2021 unrest in the GBAO and protestor deaths. At that time, authorities announced that they were investigating the cause of death in cooperation with civil society activists, but later activists said that the government had severed communication with civil society.

Faromuz Irgashev, a GBAO-based civil society activist and lawyer who was a

member of Commission 44, was arrested in May with several other GBAO activists in the wake of the protests and violence that occurred. Before he was arrested, Irgashev stated he had been summoned to the regional prosecutor's office and told he had no right to talk to local individuals because it would interfere with an ongoing investigation. This warning came shortly after Irgashev filed a petition requesting a legal review of actions taken by the GBAO Prosecutor's Office. Irgashev was convicted and sentenced to 30 years in prison the week of December 5.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of foreign travel, emigration, and repatriation, but the government imposed some restrictions.

In-country Movement: The government prohibited foreigners, except diplomats and international aid workers, from traveling within a 15-mile zone along the borders with Afghanistan and China in the Khatlon Region and in the GBAO without permission from the Ministry of Foreign Affairs. Officials did not always enforce the restrictions along the western border with Afghanistan. The government continued to require travelers (including international workers and diplomats) to obtain special permits to visit the GBAO. The government also continued to enforce a policy barring Afghan refugees from residing in major cities such as the capital, Dushanbe.

Foreign Travel: Individuals in some cases did not have the right to leave the country due to arbitrary and inconsistent restrictions. At times border security guards placed arbitrary restrictions on citizens wishing to travel abroad. In January, media reported that authorities gave the names of 66 GBAO residents to border guards to prevent those residents from leaving the country. According to GBAO civil society representatives, most of the individuals on this list participated in the November 2021 protests.

The Ministry of Education requires prior approval for all students wishing to study abroad (see section 2.a., Restrictions on Academic Freedom and Cultural Events). Civil society organizations asserted that the regulation requiring the Ministry of Education's approval for all students wishing to study abroad is a restriction of citizens' rights to freedom of movement inside and outside the country and is a violation of the country's international obligations under the International Covenant on Civil and Political Rights.

e. Protection of Refugees

The government sometimes cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and asylum seekers, although some asylum seekers were refused entry or summarily deported, and others jeopardized by conflicting laws and corruption.

Access to Asylum: The law provides for the granting of asylum and refugee status, and the government has established a system for providing protection to asylum seekers and refugees. The refugee status determination process and related judicial procedures did not comply with international standards. The criminal code criminalizes asylum seekers who entered the country illegally, in contrast to the Refugee Law, which states that illegal entry is not a crime. These conflicting legal provisions meant asylum seekers ran the risk of arrest and deportation without access to asylum procedures. According to law, to seek asylum legally, asylum seekers must enter the country legally with valid travel documents and a visa obtained in advance.

The government provided asylum seekers with temporary certification while processing asylum applications through the National Refugee Status Determination Commission. Upon granting refugee status, the government provided refugee identification cards as a proof of legal stay. Numerous sources reported that officials often requested bribes, in some cases exceeding \$2,000, to issue temporary asylum certificates and permanent refugee cards. Formal notifications of administrative and legal decisions provided little insight into the rationale for adjudications. According to the law, government-recognized refugees have socioeconomic rights on par with citizens of Tajikistan and may legally reside in

the country. Refugees, the vast majority of whom are Afghans, however, faced discrimination in employment and education, as well as frequent harassment and extortion from police and other officials.

The government continued to place significant restrictions on registered asylum seekers and refugees, and officials continued to prohibit them from residing in all major cities in the country. Security officials regularly monitored refugee populations. Police subjected them to raids if they believed the asylum seekers resided in prohibited areas. The land border remained closed throughout the year to asylum seekers from Afghanistan, and the government refused entry to many, but not all, new arrivals. After the Taliban takeover of Afghanistan in August 2021, the government suspended the work of the Refugee Status Determination Commission until April and the Department on Citizenship and Work with Refugees (DCWR) of the Ministry of Internal Affairs stopped processing asylum applications. These work stoppages left Afghan nationals in what UNHCR describes as a “refugee-like situation” with expired visas and no access to asylum procedures. DCWR resumed its work in March after high-level advocacy from UNHCR.

Refoulement: National security concerns dominated decisions related to the protection and human rights of asylum seekers and refugees, which often heightened the risk of deportation of asylum seekers and refugees. During the year, the government revoked the status of six refugee families (28 persons); these families continued to be at risk of penalties and subsequent deportation. Through September 6, authorities deported 171 Afghan asylum seekers and refugees. Authorities have not issued any official statements on these cases of forcible return. These deportations separated families and included children, women, and one elderly woman with a disability, according to UNHCR. These deportations occurred without any prior notice or due process, rendering the affected individuals unable to seek redress through judicial procedures.

Freedom of Movement: Refugees were not permitted to live in the GBAO and major urban areas, including Dushanbe, Khujand, and Bokhtar; this restricted their ability to find work and go to school.

Durable Solutions: The law does not provide a streamlined process to refugees

for naturalization, leaving refugees on equal standing with nonrefugee foreigners when applying for citizenship. As a prerequisite, refugees must denounce their refugee status and apply for a temporary residence permit to be able to continue the process for naturalization. To date, no such cases have been recorded.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

As of July, a total of 56,745 stateless persons and persons with undetermined nationality had been identified and registered by UNHCR and its partners. The government, UNHCR, and NGO partners worked together to find solutions – including confirmation of nationality and issuance of identification documents – for 52,092 persons, including adults and children, with the remaining 4,653 still in process to resolve their situation.

An amnesty law adopted in 2019 allows stateless persons and foreign nationals illegally residing in the country in violation of the rule of stay (for former citizens of the Soviet Union) to legalize and regularize their legal status. The amnesty law was valid until December 2022, by which time all persons within the scope of the law were supposed to submit their applications for legalization. UNHCR sees the law as a major step in combating statelessness in the country.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair elections based on universal suffrage, but the government restricted this right. The president and his supporters dominated the government and took steps to eliminate genuine pluralism in the interest of consolidating power. The president's political party, the People's Democratic Party of Tajikistan, dominated both houses of parliament, and its members held most government positions. The president had broad authority, which he exercised throughout the year, to appoint and dismiss officials.

Elections and Political Participation

Recent Elections: The country held two major elections in 2020, parliamentary elections in March and presidential elections in October. Neither vote was free or fair because of the country's restrictive political environment.

Political Parties and Political Participation: The government continued to enforce the ban on the IRPT, Group 24, and the National Alliance of Tajikistan. Religiously affiliated political parties were banned.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and to some extent they participated. Women were underrepresented in decision-making processes at all levels of political institutions. Cultural practices discouraged participation by women in politics, although the government and political parties made some efforts to promote their involvement by women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. The government acknowledged a problem with corruption and took some steps to combat it, including prosecuting lower-level officials for taking bribes.

There were numerous reports of government corruption. Media reported that over the previous two years, most cases of bribe-taking by officials had been reclassified as fraud, and officials found guilty were released by paying a symbolic fine, which in most cases was significantly lower than the bribes allegedly received by the officials.

Corruption: In the first half of the year, the Agency for State Financial Control and the Fight against Corruption reported 37 cases of appointment of personnel to government agencies based on family relation or regional affiliation. Most of these documented cases of nepotism were in the Ministry of Education and Science and

the Ministry of Health.

Corruption in the Ministry of Education and Science was systemic, including the practice of paying bribes for university entrance. Prospective students reportedly were required to pay thousands of somoni (hundreds of dollars) in bribes to enter the country's most prestigious universities, and provincial colleges reportedly required several hundred somoni for entrance. Students reportedly often paid additional bribes to receive good examination grades.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Government restrictions hampered efforts by domestic human rights groups to monitor and report on the general human rights situation. Domestic NGOs and journalists were careful to avoid public criticism of the president or other high-ranking officials and refrained from discussing matters connected to the banned IRPT. Human rights NGOs faced significant pressure from the government, including through government investigations for alleged registration problems and administrative irregularities.

The United Nations or Other International Bodies: The government facilitated visits to prison facilities by high-ranking officials from the United Nations Office on Drugs and Crime but continued to deny access to the International Committee of the Red Cross.

Government Human Rights Bodies: The Office of the Human Rights Ombudsperson, which reports to parliament, made little effort to respond to complaints from the public. In February, the ombudsperson's office reported that it received 15 complaints from citizens on abuse and ill-treatment in places of detention. After a review was performed, the ombudsperson's office did not confirm a single case of abuse. The ombudsperson's office met with NGOs to discuss specific human rights cases and problems within the country, but no government action resulted.

The government's Office for Constitutional Guarantees of Citizens' Rights, which

is part of the presidential administration, continued to investigate and answer citizens' complaints but staffing inadequacies and inconsistent cooperation from other governmental institutions hampered the office's effectiveness.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes rape, which is punishable by up to 20 years' imprisonment. There is no separate statute for spousal rape, nor for the rape of men. Police usually advised women not to file charges but registered cases at the victim's insistence. Observers believed most cases were unreported because victims wished to avoid humiliation and social stigmatization.

There is no law specifically criminalizing domestic violence. Violence against women, including spousal abuse, remained a widespread problem. Women underreported violence against them due to fear of reprisal or an expectation of an inadequate response by police and the judiciary, resulting in virtual impunity for the perpetrators. Authorities wishing to promote traditional gender roles frequently dismissed domestic violence as a "family matter."

The government's Committee for Women's Affairs had limited resources to assist domestic violence survivors, but local committee representatives referred women to crisis shelters for assistance.

The Ministry of Internal Affairs registered domestic violence incidents as general violence and hooliganism, with a special notation in paperwork indicating domestic violence.

Authorities seldom investigated reported cases of domestic violence, and they prosecuted few alleged perpetrators. The Ministry of Internal Affairs was authorized to issue administrative restraining orders, but police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

HRW reported that violence against women was "pervasive" and emphasized a failure to investigate reports of domestic violence in rural areas.

Other Forms of Gender-based Violence: Religious ceremonies make de facto polygyny possible, despite the illegality of the practice. NGOs estimated that up to 10 percent of men practiced polygyny. Many of these polygynous marriages involved underage brides. Unofficial second and third marriages were increasingly common, with neither the wives nor the children of the subsequent marriages having legal standing or rights.

Sexual Harassment: No specific statute bans sexual harassment in the workplace. Other articles of the criminal code, such as petty hooliganism may be used to address sexual harassment. The government did not provide data on sexual harassment cases.

The Committee for Women and Family Affairs operated a call center for survivors of sexual harassment in the workplace through which a specialist could provide legal and psychological assistance to the survivors.

Survivors often did not report incidents because of fear of social stigma. Women reporting sexual harassment faced retaliation from their employers as well as scrutiny from their families and communities. Human rights activists noted that survivors of sexual harassment in most cases preferred to remain silent due to fear and public shame. One human rights activist told the media that six women visited her with harassment complaints, but none of them agreed to go to court.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization by government authorities. Women often faced barriers with respect to their sexual and reproductive health and rights, according to the UN. Many women, especially in rural areas, lack information about and access to contraception.

Intimate partner violence remained a significant problem impacting women's autonomy, including on sexual and reproductive health. Stereotypes related to gender roles and the taboo nature of conversations about sex prevented women and girls from obtaining information on reproductive health and access to services.

Survivors of sexual violence have a legal right to protection and social services including access to emergency contraception, although survivors often experienced challenges in gaining access to these services due to the services' concentration in

urban areas difficult to reach from mountainous rural villages, lack of economic resources at the institutional and household levels, cultural stigmas, and taboos surrounding sexual violence.

Discrimination: The law provides for men and women to receive equal pay for equal work, but cultural barriers restricted women's professional opportunities. The law protects women's rights in marriage and family matters, but families often pressured girls to marry against their will. Religious marriages were common substitutes for civil marriages due to the high marriage registration fees associated with civil marriages and the power afforded men under religious law.

On June 25, the lower house of parliament passed the Law on Equality and Elimination of All Forms of Discrimination. The law was developed as part of the National Action Plan for the implementation of the recommendations of the UN Human Rights Council to the government to develop a separate law on the comprehensive fight against discrimination. The law does not include provisions for discrimination based on gender and sexual orientation. The government did not include civil society organizations in the working group that developed the law.

Systemic Racism or Ethnic Violence and Discrimination

The constitution provides for equal protection under the law for all citizens, regardless of ethnic or national origin. There was no major ethnicity-related violence within the country and no official preference or discrimination against minority ethnic groups. The law stipulates, "National minorities within the framework of this Law are free to observe their traditions, celebrations and rituals."

Children

Birth Registration: Children derive citizenship by birth within the country's territory or from their parents. There were no reports of birth registration being denied or not provided on a discriminatory basis. The government is required to register all births.

Education: Free and universal public education is compulsory until age 16 or completion of the ninth grade. UNICEF reported school attendance generally was

good through the primary grades, but girls faced disadvantages, as parents often gave priority in education to their sons, whom they regarded as future breadwinners.

Child Abuse: The Committee on Women and Family Affairs and regional child rights protection departments were responsible for addressing problems of violence against children. While the law provides children with the right to live free from violence, child abuse is not criminalized per se. Reliable statistics on the prevalence of child abuse were very difficult to find, as most abusers were family members and victims were afraid to come forward.

Child, Early, and Forced Marriage: The legal minimum age for marriage of men and women is 18. In exceptional circumstances, which a judge must determine, such as in the case of pregnancy, a couple may apply to a court to lower the marriageable age to 17. Underage religious marriage, which does not require official civil registration, was more widespread in rural areas.

The law expressly prohibits forced marriages of girls younger than 18 or entering a marriage contract with a girl younger than 18. Families, however, often pressured girls to marry against their will. Early marriage carries a fine or prison sentence of up to six months, while forced marriage is punishable by up to five years' imprisonment. Because couples may not register a marriage when one of the would-be spouses is younger than 18, many simply have a local religious leader perform the wedding ceremony. Without a civil registration certificate, the bride has few legal rights.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. The law now prohibits the buying and selling of children and includes a provision that qualifies acts of child exploitation as human trafficking. The minimum age of consensual sex is 16. According to an NGO working with victims of domestic violence, sexual exploitation, and sex trafficking, there were several cases in which families or third parties forced children into commercial sexual exploitation in nightclubs and in private homes.

In June the lower house of parliament approved amendments toughening the

punishment for sexual abuse of minors to 25 years in prison. Previously, sexual abuse of children and minors was punishable by a prison sentence of seven to 20 years. Also, those convicted of sexual abuse of children and minors are deprived for life of the right to work in all organizations and institutions related to the upbringing and education of children. According to the Office of the Commissioner for Human Rights (ombudsperson), 45 cases of rape of minors were recorded in 2019-21. In general, cases of child rape are very rarely disclosed, with the facts hidden by the relatives of the victims due to social stigma.

Antisemitism

There were no reports of antisemitic acts. The country's small Jewish community – estimated by the World Jewish Congress to number 200 to 600 – had a place of worship and faced no overt pressure from the government or other societal pressures.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Consensual same-sex sexual conduct is legal in the country with the same age of consent as for opposite-sex relationships.

Violence against LGBTQI+ Persons: Throughout the country there were reports that lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals faced physical and psychological abuse, harassment, extortion, and exploitation for revealing their LGBTQI+ status to their families or for being suspected of being LGBTQI+. LGBTQI+ persons faced threats of public beatings by citizens. There were widespread instances of police blackmailing, extorting, and raping LGBTQI+ individuals, including cases of “corrective” rape, according to a report by the International Rehabilitation Council for Torture Victims.

Discrimination: The law does not prohibit discrimination by state and nonstate actors based on sexual orientation or gender identity. Some senior government officials have said implementing LGBTQI+ rights conflicted with local moral values, that bisexuality, lesbianism, and homosexuality were all “pathologies of character,” and that the LGBTQI+ community was “mentally ill.”

LGBTQI+ persons were victims of police harassment, with many police threatening to arrest LGBTQI+ community members for going against the “social order,” a crime that does not actually exist. LGBTQI+ representatives claimed police extorted money from LGBTQI+ persons by threatening to tell employers or families of the individuals’ activities.

In some cases, LGBTQI+ persons were subjected to sex trafficking and blackmail by local authorities. Hate crimes against members of the LGBTQI+ community reportedly went unaddressed. LGBTQI+ representatives claimed health-care providers discriminated against and harassed LGBTQI+ persons. LGBTQI+ advocacy and health groups reported harassment from government officials and clergy, including violent threats as well as obstruction of their activities by the Ministry of Health.

Government authorities reportedly maintained a registry of hundreds of persons in the LGBTQI+ community as part of a purported drive to promote moral behavior and protect vulnerable groups in society.

Availability of Legal Gender Recognition: It was difficult for transgender persons to obtain new official documents from the government. The law allows for changing gender in identity papers only if a medical organization provides an authorized document. Many doctors refused to issue such a document because they were afraid of reprisals from the government or due to their own beliefs.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were credible reports of families subjecting their LGBTQI+ children to coercive medical, psychological, and religious practices to “correct” or “cure” their sexual identity.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: Widespread cultural norms stigmatizing LGBTQI+ individuals often deterred them

from openly identifying as LGBTQI+ or speaking publicly on LGBTQI+ topics. There are civil society organizations that are legally registered and working to assist LGBTQI+ individuals who face harassment, discrimination, blackmail, and violence, but these organizations maintained a low profile due to open hostility from the government and the general public on LGBTQI+ matters. The pressure on LGBTQI+ NGOs restricts their ability to operate in public, and LGBTQI+ individuals are constrained from open, peaceful assembly by safety concerns.

A meeting held in October by one LGBTQI+ NGO had to be held in a back room of a venue 30 miles outside of Dushanbe due to general fear among participants of their LGBTQI+ identities being discovered. When a late-arriving invitee knocked on the door, several participants scattered and hid because they thought an untrusted outsider or police officer had found them.

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having physical or mental disabilities, including sensory and developmental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not implement the law.

The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not provide any information about the enforcement of those provisions. Authorities attempted to apply accessibility standards to newly built government buildings.

Many children with disabilities were not able to attend school because doctors did not deem them “medically fit.” Children deemed “medically unfit” were segregated into special state-run schools specifically for persons with physical and mental disabilities. Doctors decided which subjects students were capable of studying, and directors of state-run schools could change the requirements for students to pass to the next grade at their discretion.

Government provided group living and medical facilities for persons with disabilities who were in poor condition.

Other Societal Violence or Discrimination

HIV and HIV-related stigma and discrimination were commonplace. Affected groups included sex workers, men who have sex with men, individuals who inject drugs, and transgender individuals. Those living with HIV and AIDS were often denied necessary services, were often unable to find support from their communities due to social discrimination and were often harassed by members of the community and police.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join independent unions but requires registration for all NGOs, including trade unions. The law provides that union activities, such as collective bargaining, be free from interference except “in cases specified by law,” but the law does not define such cases. Collective bargaining contracts covered 90 percent of workers in the formal sector.

Workers have the right to strike, but the law requires that meetings and other mass actions have prior official authorization, limiting trade unions’ ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively, but it does not specifically prohibit antiunion discrimination. The government did not effectively enforce the law, although penalties for violations were commensurate with those under other laws involving denials of civil rights. Workers joined unions, but the government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The government-controlled Federation of Trade Unions of Tajikistan was the country’s only national-level union and did not effectively represent worker interests. There were reports the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. There were no reports of threats or violence by government entities toward trade unions; however, government influence discouraged and impeded workers from attempting to form independent unions and fully exercising or demanding their rights.

Most workers' grievances were resolved with mediation between employees, with support from their union, and employer. Multiple in-country observers reported that citizens were reluctant to strike due to fear of government retaliation.

Labor NGOs not designated as labor unions played a minimal role in worker rights, as they were restricted from operating fully and freely.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes most forms of forced labor except for cleaning the streets (*hashar* or *subotnik* labor), work in the military, and “socially important” work. Children and adults may be subjected to forced labor in agriculture, mainly during the country’s fall cotton harvest, but also in dried fruit production. Children are subjected to forced labor through forced begging.

The government reportedly subjected some citizens to performing manual labor, such as cleaning roads and park maintenance as part of a subotnik. Subotniks are a tradition from the Soviet era in which individuals are made to “volunteer” to help with a community or special project separate from their usual, salaried labor. Subotniks usually focus on a public or community project, but there were reports of private companies using the subotnik system to get employees to work overtime without pay on large, group projects, such as refurbishing a soon-to-open restaurant. The government does not consider those types of labor to be forced labor.

The government engaged in the practice known as *marshirovka*, in which thousands of school children and university students throughout the country are compelled to rehearse for a variety of public performances – dancing, marching, reciting verse – up to six weeks ahead of major national holidays such as Independence Day, Navruz, Youth Day, and National Unity Day. Participation is compulsory and entails missing classes, with reports of retaliation against students who voice reluctance to join rehearsals because they prefer to study. UN Special Rapporteur on Trafficking in Persons Siobhan Mullally raised concern about these events in a report to the UN Human Rights Council issued in June.

Some Afghan and Bangladeshi citizens were victims of forced labor in the country, including in the construction industry. Workers employed by Chinese companies

for local construction projects experienced wage irregularities, threats of termination, and other labor rights violations that may be indicative of forced labor. Local nationals were also vulnerable to forced labor in illegal artisanal coal mines located near commercial mining operations. Employees of state institutions were sometimes required to perform agricultural work outside of and in addition to their regular employment.

The government did not effectively enforce labor laws. Resources, inspections, and remediation were inadequate to address concerns over forced labor. While penalties to discourage the practice of forced labor were stringent, the government did not report any convictions for trafficking in persons, as was the case in 2021, a significant decrease from 26 convictions in 2020.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The minimum age for children to work is 16, although children may work at age 15 with permission from the local trade union. By law, children younger than 18 may work no more than six hours a day and 36 hours per week. The law applied only to contractual employment and children as young as seven may participate in household labor and agricultural work, which is separately classified as family assistance. Penalties for violations were commensurate with other serious crimes but the government did not effectively enforce the law. Many children under the age of 15 worked. Children younger than 10 worked in bazaars or sold goods on the street. The highest incidences of child labor were in the domestic and agricultural sectors and some children performed hazardous work in these sectors.

Enforcement of child labor laws was the responsibility of the Prosecutor General's Office, Ministry of Justice, Ministry of Social Welfare, Ministry of Internal Affairs, and appropriate local and regional governmental offices. Unions also were responsible for reporting any violations in the employment of minors. Citizens may bring unresolved cases involving child labor before the prosecutor general for investigation. There were few reports of violations because most children worked

under the family assistance exception. There were reports that military recruitment authorities kidnapped children younger than 18 from public places and subjected them to compulsory military service to fulfill local recruitment quotas.

The government worked with the International Organization for Migration to prevent the use of forced child labor. The government did not provide the information needed to assess the prevalence of child labor in the country's cotton sector.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation because of race, sex, gender, disability, language, HIV-positive status, other communicable diseases, or social status. The law does not expressly prohibit worker discrimination because of skin color, religion, political opinion, national origin, citizenship, sexual orientation, or age.

Persons holding foreign nationalities (including dual citizens) and stateless persons were prohibited from certain public sector positions, including serving in the police.

Employers discriminated against individuals based on sexual orientation and HIV-positive status, and authorities generally did not enforce the laws. LGBTQI+ individuals faced widespread discrimination that often jeopardized their employment status or prospects in the formal sector and complicated their access to justice. LGBTQI+ persons and individuals with HIV reportedly opted not to file complaints due to fear of harassment and the belief that police would not act.

The law stipulates that women should receive equal pay for equal work, but records from the state statistical agency indicated that on average, women earned 60 percent of what men earned in 2018, the latest year for which data are available. Legal and cultural barriers continued to restrict the professional opportunities available to women. Widespread domestic violence, cultural norms that favor women as stay-at-home mothers, and pervasive workplace sexual harassment also suppressed women's workforce participation. The law lists 37 employment categories in which women are prohibited from engaging, ostensibly to protect them from performing heavy or hazardous labor. As a result, women were

restricted from working certain jobs in energy, mining, water, construction, factories, agriculture, and transportation.

The government did not effectively enforce discrimination laws. Penalties, which were commensurate with those under other laws related to civil rights, were rarely applied against violators.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government set a minimum monthly wage which was below the poverty line.

The legal workweek is 40 hours and the law mandates overtime payment, with the first two hours paid at time-and-a-half and the remainder at double the normal rate, but there is no legal limit to compulsory overtime.

The State Inspectorate for Supervision of Labor, Migration, and Employment under the Ministry of Labor, Migration, and Employment was responsible for the overall supervision of enforcing labor law in the country. The Ministry of Finance enforced financial aspects of the labor law, and the Agency of Financial Control of the Presidential Administration oversaw other aspects of the law. Resources, including the number of inspectors, inspections, and remediation to enforce the law were inadequate. The State Inspectorate normally conducted inspections once every two years and had the authority to make unannounced inspections and initiate sanctions. Nearly 50 percent of inspections were conducted in Dushanbe, limiting enforcement of labor law outside the capital. Workers seldom filed complaints about labor rights violations for fear of retaliation from their employer.

In 2018 President Rahmon suspended routine labor-related inspections in the manufacturing sector to support “entrepreneurship.” As a result, inspections in that sector occurred only when based on specific complaints. The State Inspectorate conducted both announced and unannounced inspections in other sectors. In October, a UN Committee of Experts noted that labor inspectors had inspected thousands of businesses in 2021, finding over 12,000 violations. In 2021 the state oversight service reported it had received 700 notifications regarding workplace injuries, including 45 death notifications. Inspectors had ordered compensation to be paid to the families of the deceased. Trade unions could issue mandatory

instructions for investigation to the state oversight service.

Penalties issued for labor violations were typically insufficient to deter future violations.

Occupational Safety and Health: Occupational safety and health (OSH) standards were appropriate in the main industries in the country but were sporadically enforced. The penalties for OSH violations were commensurate with those of similar crimes. The law provides workers the right to remove themselves from hazardous working conditions without fear of loss of employment, but workers seldom exercised this right. No industrial accidents were officially reported that caused the death or serious injury to workers, although most experts agreed that accidents did regularly occur. Farmers and agricultural workers, accounting for more than 60 percent of employment in the country, continued to work under difficult circumstances.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce wage and hour laws. Penalties for violations were commensurate with those for similar crimes, but the regulation was not enforced. The government did not pay its employees for overtime work. Overtime payment was inconsistent in all sectors of the labor force.

The State Inspectorate for Supervision of Labor, Migration, and Employment was responsible for enforcing OSH standards. The government did not enforce these standards, partly because of corruption and the low salaries paid to inspectors. Penalties were never applied against violators.

Wages in the agricultural sector were the lowest among all sectors, and many workers received payment in kind. The government's failure to ensure and protect land tenure rights continued to limit its ability to protect agricultural workers' rights.

Informal Sector: The informal sector was 60 percent of the economy. There was no system to monitor or regulate working conditions in the agricultural and informal sectors. Informal workers were not covered by wage, hour, and OSH laws. The government-controlled Federation of Trade Unions and the Ministry of Labor, Migration, and Employment noted the need to improve the labor code and

increase awareness among employers about norms and standards already specified in legislation to improve the situation of informal workers and to reduce the percentage of informal work in the economy.